IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 24 OF 2007

Mr. Ram B. Upadhyay ..Petitioner

Vs.

1. Shree Shinde Enterprise
and anr. ..Respondents

Mr. Ram B. Upadhyay in person.
Mr. Tushar N. Sonawarn for respondent no.1.
Mr. Rajesh More APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : July 12, 2007.

P.C.:

1. Heard Mr. Upadhyay - party-in-person. He has prayed for quashing the process issued against him by the learned Metropolitan Magistrate in a criminal case filed for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The petitioner states that the bounced cheque was signed by him but it was not on behalf of the partnership firm and unless the cheque was issued on behalf of the partnership firm there would be no case to issue the

process. He further claims that the cheque was issued on behalf of the partnership firm and not individually. These are the issues which will have to be gone into by adducing evidence in the trial of the case and the inherent powers under Section 482 of Cr.P.C. cannot be invoked to quash the proceedings on such grounds. Mr. Upadhyay has relied upon a decision of the Andhra Pradesh High Court in the case of D. Chandra Reddy vs. Gowrisetty Prabhakar Rao and anr. [Acq.D.C.C. 662].

2. As noted earlier, the contentions raised by the petitioner could be decided only after the parties adduce evidence before the trial court.

3. Hence, the petition is rejected summarily.

(B.H. Marlapalle,J.)